



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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India/China: Whether a Tibetan whose birth in India between 1950 and 1987 was not registered with the authorities would be recognized as a citizen; whether the Indian government accepts birth certificates issued by the Tibetan government-in-exile; whether the Indian government issues birth certificates to Tibetans born in India  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### Citizenship and Legal Status

According to information provided on the Website of India's Ministry of Home Affairs, Section 3 of the Indian Citizenship Act of 1955 stipulates that a person "born in India on or after 26th January 1950 but before 1st July, 1987" is a citizen of India "irrespective of the nationality of his parents" (India n.d.). However, a person born between 1 July 1987 and 2 December 2004 is a citizen of India if one of the parents is a citizen of India at the time of the birth (ibid.). A person born in India after 2 December 2004 is a citizen by birth if both parents are citizens of India at the time of the birth or if one of the parents is a citizen and the other "is not an illegal migrant at the time of [the] birth" (ibid.).

In 17 January 2006 correspondence to the Research Directorate, an official with the Canadian High Commission in New Delhi stated that while Tibetans born in India between 1950 and 1987 are eligible for Indian citizenship, few of them apply because there is a general belief that their exile in India is temporary and a return to Tibet will eventually follow. The Indian daily newspaper *The Hindu* reported in a 26 May 2005 article that refugees born in India can apply for citizenship, yet only between two and three per cent of Tibetan refugees have done so. Although there are no official statistics available on the number of Tibetans who have applied for and obtained citizenship, the Dalai Lama's office in New Delhi estimates that less than one per cent of eligible Tibetans have applied for Indian citizenship (Canada 17 Jan. 2006). Along with the United Nations High Commissioner for Refugees (UNHCR), the Dalai Lama's office is aware of some Tibetans having received Indian citizenship upon application (ibid.). However, in 2003, a representative with the Office of Tibet in New York indicated to the United States (US) Citizenship and Immigration Services department that Tibetan refugees in India have experienced difficulties in obtaining citizenship (US 30 May 2003). The representative did not indicate what those difficulties were (ibid.).

*The Hindu* reported that refugees who have lived in India for 14 years or more are eligible to apply for citizenship (26 May 2005). Corroborating information could not be found among the sources consulted by the Research Directorate.

The official with the Canadian High Commission indicated that Tibetans, like all foreigners in India, are subject to the Foreigners Act and Rules (1946), but also to a regulation entitled "Regulating Entry of Tibetan Nationals into India," adopted in 1950 (Canada 17 Jan. 2006). Tibetans who arrived in India before 1979 can obtain residence permits, which are renewed yearly and allow holders to obtain travel documents, including the Identity Certificate (ibid.). Residence permits are necessary for work purposes as well as for renting homes, running businesses and opening bank accounts (USCRI 2005). However, Tibetans who arrived after 1979 are "not officially recognized by the Indian government" (Canada 17 Jan. 2006). The U.S. Committee for Refugees and Immigrants (USCRI) stated in its 2005 survey of the world's refugees that many newly-arrived Tibetans in India experience difficulties in obtaining residence permits (USCRI 2005). Nevertheless, new arrivals are given some measure of protection by the Indian government (Canada 17 Jan. 2006). According to the official with the Canadian High Commission, Tibetans in India are tolerated, and "reports of any Tibetans facing problems due to lack of legal status are extremely rare and [are] dealt with by the Dalai Lama's office" (ibid.). The official added that Tibetans in India have access to employment and education and would be protected from refoulement (ibid.).

### Birth Certificates

The Central Tibetan Administration, a network of agencies based in Dharamsala, India, that make up the Tibetan government-in-exile (US 30 May 2003), until late 2002 or early 2003 issued birth certificates to Indian-born Tibetans indicating the place of birth as India (Canada 17 Jan. 2006). These birth certificates are accepted by the Indian government for the purposes of applying for documents such as residence permits and Identity Certificates (ibid.). According to the Canadian High Commission in New Delhi, the Indian government issues birth

certificates to Tibetans in India, and some authorities "will also accept an affidavit countersigned by the Dalai Lama's office ... as well as school certificates showing the person's birth date" (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

Canada. 17 January 2006. Canadian High Commission, New Delhi. Correspondence from an official.

*The Hindu*. 26 May 2005. "Nurturing a Dream of Returning Home." (Factiva)

India. N.d. Ministry of Home Affairs. "Foreigners Division: Acquisition of Indian Citizenship (IC)." <<http://mha.nic.in/citizenship/acquisition.htm>> [Accessed 19 Dec. 2005]

United States (US). 30 May 2003. Citizenship and Immigration Services, Department of Homeland Security. "India: Information on Tibetan Refugees and Settlements." <<http://uscis.gov/graphics/exec/prnfriendly.asp>> [Accessed 19 Dec. 2005]

U.S. Committee for Refugees and Immigrants (USCRI). 2005. *World Refugee Survey 2005*. <<http://www.refugees.org/article.aspx?id=1342>> [Accessed 19 Dec. 2005]

#### Additional Sources Consulted

**Oral sources:** The Office of Tibet in New York did not provide publicly available information. Three additional oral sources did not provide information within the time constraints of this Response.

**Internet sites, including:** Amnesty International, Central Tibetan Administration, European Country of Origin Information Network, Human Rights Watch, Phayul.com, Tibet Justice Center, United Nations High Commissioner for Refugees (UNHCR), United Kingdom Home Office, United States Department of State.

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